

State Water Resources Control Board

November 20, 2018

(Via email and Certified Mail)
CERTIFIED MAIL
NO. 7018 0680 0000 1017 5109

Ms. Dawn Smith
Public Works Administration
Bear Valley Community Services District
28999 South Lower Valley Road
Tehachapi, California 93561
dsmith@bvcsd.org

**SUBJECT: NOTICE OF VIOLATION; UNDERGROUND STORAGE TANK SYSTEMS
LOCATED AT BEAR VALLEY COMMUNITY SERVICES DISTRICT,
28999 SOUTH LOWER VALLEY ROAD, TEHACHAPI**

Dear Ms. Smith:

As part of an initiative by the State Water Resources Control Board (State Water Board) to ensure compliance at government-owned and/or operated underground storage tank (UST) facilities in California, the State Water Board staff inspected the USTs at your facility on October 31, 2018, pursuant to authority under Health and Safety Code (H&SC), chapter 6.7, section 25289.

The State Water Board has identified the following violations pursuant to H&SC, chapter 6.7, and California Code of Regulations (CCR), title 23, chapter 16:

No.	Violation	Tank	Start Date	Stop Date	Regulation
1	Failure to Monitor Tank System – The Incon TS-1001 monitoring system is not functioning properly; the system was in alarm and cannot be programmed to perform positive shutdown and/or fail safe and must be replaced.	All	October 31, 2018	Ongoing	H&SC 25291(b); 23 CCR 2630(d) and 2638(a)
2	Failure to Perform Overfill Prevention Inspection – The overfill prevention inspection demonstrating overfill equipment will activate at the correct level was due by October 13, 2018.	All	October 13, 2018	Ongoing	23 CCR 2637.2

No.	Violation	Tank	Start Date	Stop Date	Regulation
3	Failure to Monitor Product Piping – The sensor located inside the turbine sump was unable to detect a leak at the earliest opportunity because the sensor was on its side and not in a true vertical orientation.	Unleaded	October 31, 2018	Ongoing	23 CCR 2630(d)
4	Failure to Maintain Monitoring or Testing Records – The 2015, 2016, and 2017 annual line integrity testing reports were not available at the time of inspection. Three years of testing records are required to be maintained on site.	All	October 31	Ongoing	H&SC 25293; 23 CCR 2712(b)
5	Failure to Tag Monitoring Equipment – The mechanical line leak detectors (MLLD) in turbine sumps, liquid sensors in turbine sumps, and liquid sensors in under-dispenser containers (UDC) were all missing the monitoring system certification tag for the most recent monitoring system certification performed on November 21, 2017.	All	October 31, 2018	Ongoing	23 CCR 2638(f),
6	Failure to Meet Designated Operator (DO) Inspection Requirements – The monthly DO report on October 31, 2018, September 5, 2018, August 6, 2018, July 9, 2018, June 7, 2018, and May 2, 2018, had an alarm history printout dated from 2005 or no alarm history printout at all.	All	May 1, 2018	Ongoing	23 CCR 2716(b)(2)
7	Failure to Install Monitoring Equipment According to Manufacturer's Instructions – The liquid sensor located in the turbine sump was observed with a splice not enclosed in an epoxy-pack, and the splice was not enclosed within the explosion proof junction box.	Unleaded	October 31, 2018	Ongoing	23 CCR 2638(a)

No.	Violation	Tank	Start Date	Stop Date	Regulation
8	Failure to Meet DO Inspection Requirements – The monthly DO reports on February 6, 2018, January 4, 2018, and December 8, 2017, had alarm history printouts dated November 21, 2017.	All	December 1, 2017	February 28, 2018	23 CCR 2716(b)(2)
9	Failure to Meet DO Inspection Requirements – The monthly DO report on October 20, 2017, had alarm history printouts dated September 10, 2017.	All	October 1, 2017	October 31, 2017	23 CCR 2716(b)(2)
10	Failure to Meet DO Inspection Requirements – The monthly DO report on September 13, 2017, did not have an alarm history printout attached to it.	All	September 11, 2017	September 30, 2017	23 CCR 2716(b)(2)
11	Failure to Maintain Spill Containment Requirements – Liquid was observed inside the diesel spill containment device preventing its ability to contain five gallons. Corrected at the time of inspection.	Diesel	October 31, 2018	October 31, 2018	H&SC 25284.2; 23 CCR 2635(b)(2)

You are directed to correct the ongoing violations and submit compliance documentation to the State Water Board and Kern County Public Health Services Department within sixty (60) days from the date of this letter. Have your DO make specific notations in the next monthly DO report indicating the ongoing violation has been corrected. Additionally, all debris/rags must be removed from both UDCs. The monthly DO report and any associated photos must be submitted as proof of compliance.

Please send all compliance documentation to the following:

State Water Board

Mr. Will Speth
UST Enforcement Unit
Office of Enforcement
State Water Resources Control Board
801 K Street, Suite 2300
Sacramento, California 95814
will.speth@waterboards.ca.gov

Local CUPA

Mr. Bilal Korin
Supervising Environmental Health Specialist
Kern County Public Health Services
Department
2700 M Street, Suite 300
Bakersfield, California 93301-2370
korinb@kerncounty.com

Pursuant to Health and Safety Code, chapter 6.7, section 25299, the owner and operator of the tank(s) are liable for a penalty of \$500 to \$5,000 per tank, per day of violation. These penalties will continue to accrue until the violations have been corrected.

If you have any questions, please contact me at (916) 341-5891, or by email at matthew.buffleben@waterboards.ca.gov.

Sincerely,



Dr. Matthew Buffleben
Supervising Water Resources Control Engineer
Acting Supervisor, UST Enforcement Unit
Office of Enforcement

cc: *(via email only)*

Mr. Bilal Korin
Supervising Environmental Health Specialist
Kern County Public Health Services Department
korinb@kerncounty.com

Mr. Waqar Rustam
Environmental Health Specialist
Kern County Public Health Services Department
rustamw@kerncounty.com

Ms. Dawn Smith
Public Works Administration
Bear Valley Community Services District
dsmith@bvcsd.org

Mr. Joe Werner
Automotive Services
Bear Valley Community Services District
jwerner@bvcsd.org